

# Notice of Allowability

## Application No.

09/667,776

## Examiner

Trent J Roche

## Applicant(s)

YOSHIKAWA, TAKASHI

## Art Unit

2124

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 27 July 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 08 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892) •
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

1. This office action is responsive to communications filed 27 July 2004.

### *Response to Arguments*

2. Applicant's arguments, see pages 11-19 of the Remarks, filed 27 July 2004, with respect to claims 1-24 have been fully considered and are persuasive. The rejections of the Final Action mailed 17 May 2004 have been withdrawn.

### *Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance*

3. Claims 1-24 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, i.e., U.S. Patent 5,511,172 to Kimura et al, and U.S. Patent 6,035,122 to Ando, taken alone or in combination, fails to teach a method, apparatus and computer-readable memory for replacing a condition instruction by a commit instruction, the commit instruction including a condition, task numbers to be accepted if the condition is not satisfied and task numbers to be rejected if the condition is satisfied.

Specifically, Kimura et al does not disclose *a task number representing the instruction sequence and a corresponding buffer is assigned to each instruction, a condition instruction is replaced by a commit instruction, the commit instruction includes a condition, task numbers to be accepted if the condition is not satisfied and task numbers to be rejected if the condition is satisfied.* (claim 1) Similar limitations are recited in independent claims 23 and 24.

As is noted in the remarks by the applicant, Kimura et al is directed to an execution of a program, and is not directed to program scheduling by a pre-execution program, for instance, a

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compiler. Further, Kimura et al fails to describe a task number representing the instruction sequence and a corresponding buffer is assigned to each instruction, a condition instruction is replaced by a commit instruction, the commit instruction includes a condition, task numbers to be accepted if the condition is not satisfied and task numbers to be rejected if the condition is satisfied as required independent claims 1, 23 and 24.

Furthermore, newly found prior art to Ando discloses a compiler for performing program scheduling, wherein the source program contains commit condition instructions, however, Ando fails to describe the commit instruction including a condition, task numbers to be accepted if the condition is not satisfied and task numbers to be rejected if the condition is satisfied as required independent claims 1, 23 and 24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (571)272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR

  
KAKALI CHAKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100